IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

WILLIAMS GROUP HOMES, INC.,)
Plaintiff,)
v.) CIVIL ACTION NO. 06-0760-CG-C
ALABAMA DEPARTMENT OF)
MENTAL HEALTH AND MENTAL)
RETARDATION, et al.,)
)
Defendants.)

ORDER

This matter is before the court on plaintiff's motion for preliminary injunction (Doc. 7), defendants' motion for extension of time to file (Doc. 53), and the parties' responses to the court's order of June 21, 2007 (Docs. 51, 52).

Plaintiff's motion for extension (Doc. 53) is **GRANTED** and the court hereby accepts defendants' response out of time.

Plaintiff's response states that it agrees, given the status of this case, that the pending motion for preliminary junction should be consolidated with the final trial on the merits.

Conversely, defendants request a separate hearing on preliminary injunctive relief and adopt their summary judgment motion in support. Defendants summary judgment motion argues a variety of reasons why they believe plaintiff cannot succeed in this matter, the majority of which have been raised in defense of plaintiff's motion for preliminary injunction with regard to the likelihood of success prong.

After review of the status of this case as well as the court's schedule, the court finds that

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the preliminary injunction hearing should be combined with the final trial in this matter. As the

court pointed out in its previous order, discovery ended in this case on June 1, 2007 and the trial

of this matter is scheduled for September 2007. (Docs. 6, 10). The court finds it would be a

waste of judicial economy to attempt to set a continued preliminary hearing on this matter so

close to trial. The court will consider the arguments set forth in defendants' summary judgment

motion after the parties have been given the opportunity to respond and reply and it is has been

taken under submission. The court hereby **CONTINUES** the motion for preliminary injunction

(Doc. 7) to the trial of this matter.

DONE and ORDERED this 2nd day of June, 2007.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE

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